



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/008,548      | 11/09/2001  | Manfred Bartz        | CYPR-CD01162M       | 6756             |

7590 09/19/2005  
WAGNER, MURABITO & HAO LLP  
Third Floor  
Two North Market Street  
San Jose, CA 95113

EXAMINER

BAYERL, RAYMOND J

ART UNIT PAPER NUMBER

2173

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

10/008,548

Applicant(s)

BARTZ ET AL.

Examiner

Raymond J. Bayerl

Art Unit

2173

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS filed before issue fee, on 18 March 2005; remarks filed 6 September 2005.
2. ☒ The allowed claim(s) is/are 1 - 5, 7 - 13, 15 - 21, 23 - 30.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 18 March 2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**

7 September 2005

1. The following is an examiner's statement of reasons for allowance.

Applicant's IDS submitted after notice of allowability on 18 March 2005 is accompanied by both a certification of prompt filing under 37 CFR 1.97(e) and the fee as provided in 37 CFR 1.17(p), and has thus been considered by the Examiner.

Also provided by the applicant is the set of remarks concerning the reference cited in the IDS, when taken relative to the claimed invention, which was filed on 6 September 2005.

Specifically considered in the IDS was the reference Choy et al. (US #5,506,952), which the Examiner deems relevant in a consideration of the patentability of applicant's claimed invention, directed toward "helping a user perform tasks in software" by presenting "a plurality of graphic elements" that may be "active" or "inactive" (independent claim 1 quoted as exemplary). This relevance arises from Choy et al.'s use of a selectively-greyed menu to show the available commands at a given point in a design process, which adapts to various further stages in the process by greying a different portion of the menu, as might be seen as reading upon "activating a first portion" and "deactivating a second portion" "in response to user selection".

Applicant's remarks attempt to distinguish the selecting in Choy et al., where icons are dragged to another location, over the claimed invention's action being initiated and the activation of another icon. "Applicants respectfully submit that the icons of Choy cannot be equated with the graphic elements of the present claimed invention." However, a "graphic element", when considered with reasonable breadth in view of

Art Unit: 2173

applicant's disclosure, still reads upon a Choy et al. icon, and in adding to a design, the drag-and-drop Choy et al. procedure initiates an "action". Furthermore, since the palette display in Choy et al. adapts according to which icons are selectable after a given icon has been used in the design process, the Choy et al. selection results in a modified palette display, where it is possible that some highlighted icons are greyed-out, while some greyed icons are highlighted.

This being noted, applicant also points out that the mere provision of available and unavailable icon emphasis is insufficient to read upon the graphic element states of "active" and "inactive", to distinguish over Choy et al.'s modulation of the visibility of icons in a palette. Though the dragging of a Choy icon inevitably results in the addition of a design element (and the performance of "an action"), there is no teaching of what happens to the greyed-out icons upon their selection; the result when an element that is inactive is nevertheless selected. It is presumed that such icons are incapable of being selected in Choy et al.

Even if one assumes that the non-responsive "selection" of a greyed-out Choy et al. icon (by performing a mouse-over and double-click that do nothing) can be made to read upon the claimed non-performance of an "action" upon selection of an "inactive" element, the Examiner notes that Choy et al.'s disclosure is of the construction of expert system rules, developed by moving selected icons from a palette into a rule construction area. From this it may then be observed that Choy et al. disclose a rule-authoring interface, by which the user may assemble a desired set of complex instructions as per the programming needs at hand.

A further patentable distinction therefore exists with regard to applicant's claimed invention, since the claimed invention is instead directed towards directing "tasks", "wherein said tasks are to be performed in a logical order", with the activation and deactivation occurring "to guide said user through said tasks according to said logical order". This stands in contrast to Choy et al.'s interface for the authoring of expert system rules, since there is no teaching or suggestion that a particular "order" is to be enforced in Choy et al. for the performance of "tasks". Instead, the "order" is preferably left up to the individual user in Choy et al., so as to maximize the rule selection possibilities that the developing user has at his or her disposal.

In conclusion, then, the Choy et al. iconic display differs from applicant's claimed invention, in that Choy et al. do not make specific provision for inactive graphic elements that receive selections, as applicant points out, so the claimed selection procedure has a material difference from Choy et al. Also, and as the Examiner further notes, the "logical order" that is enforced in the claimed invention is not read upon by the generally-flexible and open set of options for rule authoring and design in Choy et al. This application is therefore being passed on to further stages in the process of issue.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571)

Art Unit: 2173

272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

5. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

7 September 2005